

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



**CORRECTED
FISCAL NOTE**

SB 690 - HB 1068

April 8, 2011

SUMMARY OF BILL: Creates a new Class C felony offense for a person to intentionally discharge a firearm into an occupied habitation. Punishable as a Class D felony if the habitation was unoccupied at the time of the offense.

ESTIMATED FISCAL IMPACT:

On March 2, 2011, a fiscal note was issued estimating a fiscal impact as follows:

*Increase State Expenditures - \$115,000/Incarceration**

Due to a miscalculation, this impact was in error. Based on additional review, the estimated impact is:

(CORRECTED)

Increase State Expenditures - \$58,900/Incarceration*

Assumptions:

- According to information provided by the Administrative Office of the Courts, there has been an average of 481 Class E felony convictions in each of the past 10 years for reckless endangerment with a deadly weapon.
- Currently, these offenses can be punished as a Class E felony. The Department of Correction (DOC) estimates one additional Class C felony and one additional Class D felony admission will serve additional time as a result of this bill.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class C felony is 3.23 years (1,179.76 days) at a cost of \$71,517.05. The average post-conviction time served for a Class D felony is 1.97 years (719.54 days) at a cost of \$43,618.51. The average post-conviction time served for a Class E felony is 1.27 years (463.87 days) at a cost of \$28,119.80.

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant increase in incarceration costs due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional Class C offender and one additional Class D offender serving additional time on his or her sentence.
- The additional cost for increasing the average sentence length from a Class E to a Class C felony is \$43,397.25 (\$71,517.05 - \$28,119.80). The additional cost for increasing the average sentence length from a Class E to a Class D felony is \$15,498.71 (\$43,618.51 - \$28,119.80). The total additional cost is \$58,895.96 (\$43,397.25 + \$15,498.71).
- Any increase in the caseloads of the state trial courts can be accommodated within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc